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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,908

09/05/2003

Otto J. Volker

011361-00079

9097

28316 7590 01/24/2007  
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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/656,908

Applicant(s)

VOLKER ET AL.

Examiner

Joseph F. Edell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-21 is/are allowed.
- 6) ☒ Claim(s) 6, 22, 23, 27, 28 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 24-26, 29, 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6, 22, 23, 27, 28, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,112,370 to Blanchard et al.

Blanchard et al. disclose a reclining vehicle seat hinge assembly that includes all the limitations recited in claims 6, 22, 23, 27, 28, 32, and 33. Blanchard et al. show an assembly having a seat pan A (see Fig. 1), a seat back D pivotally connected to the seat pan, and a hinge assembly 20 pivotally connecting the seat back to the seat pan. The hinge assembly having a first housing 24 secured to the seat pan, a second housing 26 secured to the seat back that is pivotable with respect to first housing and has a circular shoulder 50 (see Fig. 5) and a plurality of teeth 48 extending radially inward from the shoulder, a primary cam (maneuvering means with rings 52,54) rotatable with respect to the first housing and having a pair of primary camming surfaces 56a,56b, a secondary cam 38 rotatably driveable by the primary cam (via tabs 66,68) and having a plurality of camming surfaces L, a pair of primary pawls 34a,34b each slidable radially with respect to the first housing upon engagement with a corresponding primary camming surface of the primary cam and a corresponding camming surface of the secondary cam, and a plurality of radially outward extending

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teeth 42a,42b engageable with the teeth of the second housing, a pair of secondary pawls 34c,34d configured to be driven radially outward with respect to the first housing upon engagement with a corresponding camming surface of the secondary cam (see column 4, lines 30-39) and having a plurality of radially outward extending teeth 42c,42d engageable with the teeth of the second housing, a first primary spring 76 and a secondary primary spring 82 to bias the primary cam into an engaged position, a plurality of guide surfaces (edges of shoulder 46 between sectors 44a,44b) of the first housing along which the primary and secondary pawls travel, and the secondary plate is a plate with a first pair of slots each of which has first and second camming edges and a second pair of slots each of which has a camming edge wherein the secondary pawls having a construction identical to the primary pawls (see column 3, lines 46-49) such that the primary pawls and secondary pawls are inherently interchangeable.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al. in view of U.S. Patent No. 6,003,945 to Kojima.

Blanchard et al. disclose an assembly that is basically the same as that recited in claim 31 except that the assembly lacks a cam locking member with a cooperating

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washer, as recited in the claim. Kojima shows a reclining vehicle seat hinge assembly similar to that of Blanchard et al. wherein the assembly has a first housing 1 (see Fig. 2), a second housing 2, a cam locking member 4,45, and a washer 42 cooperating with the cam locking member to secure the first and second housings together. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Blanchard et al. to include a cam locking member and a washer cooperating with the cam locking member to secure the first and second housings together, such as the assembly disclosed in Kojima. One would have been motivated to make such a modification in view of the suggestion in Kojima that the cooperating cam locking member and washer allows relative rotation of the first and second housings without coming off of the locking member.

#### ***Allowable Subject Matter***

5. Claims 1-5 and 7-21 are in condition for allowance. Claims 24-26, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments filed 07 November 2006 have been fully considered but they are not persuasive. With respect to the 35 U.S.C. § 102(b) rejection of claims 6, 22, 23, 27, 28, 32, and 33 as being anticipated by Blanchard et al., Applicant asserts a

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single argument: the pairs of primary and secondary pawls are not slidable radially with respect to the first housing. Applicant's argument is premised on the fact Blanchard et al. teaches the pawls 34a, 34b, 34c, 34d pivot via pivot slots L. Initially, please note that Examiner broadly interprets the term "slidable" as being a compound word meaning capable of sliding. While Examiner agrees the pawls of Blanchard et al. do pivot, the pawls additional are capable of sliding radially with respect to the first housing. See Figure 4 of Blanchard et al. wherein the pawls 34a, 34b are engaging the teeth of the first housing. Next, see Figure 6 of Blanchard et al. wherein each body of the pawls 34a, 34b have pivoted and radially slid away from the teeth of the first housing. Therefore, Blanchard et al. teaches pairs of first and second pawls capable of sliding radially with respect to the first housing.

The rejection under 35 USC 103(a) drawn toward claim 31 was argued solely on the premise that the cited art does not teach or suggest the seat hinge recited in claim 6, and as a result the above 35 USC 103(a) rejection of claim 31 remains.

Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 6, 22, 23, 27, 28, and 31-33.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell  
January 22, 2007